

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON JANUARY 8, 2003**

Members Present: Peter Lilienfield, Chairman
Carolyn Burnett
Jay Jenkins
William Hoffman
Walter Montgomery, Secretary

Also Present: Lino Sciarretta, Village Counsel
Joseph Elliot, Ad Hoc Planning Board Member
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
M.J. Wilson, Environmental Conservation Board Member
Applicants and other persons mentioned in these Minutes

IPB Matters

Considered:

- 01-26 – Danfor Realty – Harriman Road**
Sht. 13B, P-5, P-5C
- 02-11 – Geraldine McGowan-Hall – 200 Mountain Road/Hermits Rd. (addition)**
Sht. 11, Lot P-7J
- 02-26 – Michael-Jason Development Corp. – 4 Dows Lane**
Sht. 7B, Bl. 249, Lot P-77C
- 02-55 – Stephen & Renee Petro – 87 Center Street**
Sht. 10B, Bl. 230, Lot 26, 26B
- 03-01 – James Mitchell – 50 Kingsley Close**
Sht. 12B, Lot 18
- 03-02 – Abbey Askari – 196 Riverview Road**
Sht. 10, Lot P-21D7
- 03-03 – Leslie & Laurence Goldfarb – 120 Sycamore Lane**
Sht. 10, Bl. 257, Lot 3
- 03-04 – David Spuria – 19 Connor Court**
Sht. 12B, Lot 51
- 03-05 – Sprint Spectrum, L.P. – 1 Bridge Street**
Sht. 3, Lot P-103

Informal Discussion: 02-56 – Neil Johnson – 65 Field Terrace
Sht. 12A, P-110

Carried Over: 02-52 – Salvatore & Antonietta DeNardo – 92 East Sunnyside Lane
Sht. 10B, B1, 229, Lot 54

**Off Agenda: 94-03 – Westwood Development Associates, Inc. -- Phase 1
(Tract A)**

Sht. 10, P25J2, 25K2
Sht. 10C, Bl. 226, Lots 25A, 26A
Sht. 11, P-25J
02-44 -- Westwood Development Associates, Inc.
Lot 4
02-46 – Joseph DeNardo – 7 Roland Road
Sht. 15, Lot P-123A

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda (with the exception of Danfor Realty, IPB #01-26, as discussed below) were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

IPB Matter #01-26:

**Application for Danfor Realty for Subdivision
Approval for property adjoining Harriman
Road.**

Mr. Paul Petretti, civil engineer and land surveyor, represented the Applicant. This matter is a continuing application for preliminary subdivision layout and limited site plan approval of a seven-lot subdivision (2 lots of which are already improved). Drawings entitled: Shady Lane Improvement Plan by Paul Petretti, P.E. revised December 22, 2002 and Subdivision Map of Sunnyside View by Paul Petretti, P.E. revised December 22, 2002 were submitted.

The Chairman noted that in keeping with Village regulations, an outstanding tax bill on one of the components of the property being considered would limit the Board's ability to consider this application. The presence of the adjoining neighbors and the Board's desire to gain input from the affected parties led the Board to permit a discussion of the application; no action, however, would be taken by the Board, and the Applicant was informed that delinquent taxes must be paid before the approval process can move forward.

Mr. Petretti reviewed his plans for a temporary closure of Shady Lane and said his goal is a six-to-eight week closure beginning in July. The current plans show the rebuilt Shady Lane private road with a minimum pavement of 10 feet, plus consideration of passing areas; a transfer of property along Shady Lane is also being considered. He also said he contemplates a 22-foot-wide paved access road off Park Avenue (within a wider ROW).

The Chairman noted that the Board's experience with the Legend Hollow development pointed to a minimum pavement width of at least 16 feet. Several neighbors offered comments, including discussion of the removal of trees along Shady Lane; the proposed access road off Park Avenue; the appropriate width of Shady Lane; the impact of temporarily closing Shady Lane including the potential need to relocate the school-bus stop on Harriman; and on emergency and construction vehicle access.

Mr. Sciarretta was asked by the Chairman to seek input from the Board of Trustees' as to the Village's accepting dedication of the access road from Park Avenue. Mr. Petretti agreed to discuss the site plan with residents and to set a time for a tour of the property.

The Chairman noted that Mr. Mastromonaco, in his memorandum of January 8, 2003, listed several concerns to be addressed. This matter was continued.

IPB Matter #02-56:

**Application of Neil Johnson for an Informal
Discussion of property at 65 Field Terrace**

The Board conducted a brief informal discussion of this matter. Mr. Norman Sheer, Esq., and Mr. Johnson appeared before the Board to follow-up on an informal discussion at the December 2002 IPB meeting and Mr. Sheer's subsequent discussion with Village Counsel.

Based on those discussions and the advice of Village counsel, the Board determined that the property transfer between Mr. Johnson and Mr. Harty constitutes a lot line adjustment. This does not constitute a subdivision as it does not involve the creation of a new lot or parcel and does not result in a lot which has a site area or lot dimension below the minimums required in the Zoning Ordinance. Furthermore, this transfer does not increase the size of the "receiving" lot to the degree that it could subsequently be subdivided. No further action by the Planning Board is required.

IPB Matter #02-26:

**Application of Michael-Jason Development
Corp. for Site Development Plan Approval for
property at 4 Dows Lane**

Mr. Paul Petretti, civil engineer and land surveyor, and Norman Sheer, Esq., represented the Applicant. The Application relates to the proposed demolition of an existing residence and construction of a new single-family home. Drawings submitted were: Grading, Drainage, Erosion, Site & Utility Plan prepared for 4 Dows Lane by Paul J. Petretti, LC, dated November 15, 2002 revised December 11, 2002, four (4) sheets).

Mr. Sheer said the Applicant had submitted a letter (Frederick Gottlieb, Architect, dated January 7, 2003) to the Board attesting to the claim that the building was designed with an attached garage. The Chairman stated that architectural plans still must be submitted to the Board as previously requested. Mr. Petretti said that they had been

finished and would be submitted. Mr. Marron said Mr. Mastromonaco's concern (memo dated January 8, 2003) about storm-water retention had been addressed satisfactorily.

At the Chairman's request, Mr. Petretti agreed to consider additional plantings as screening between this property and the school property. The Board determined that the application was otherwise complete, and set a public hearing at its next regular meeting, scheduled for February 5th. Mr. Sciarretta said renotification and publication of the public hearing is necessary.

IPB Matter #02-55:

**Application of Stephen & Renee Petro for Site
Development Plan Approval for property at 87
Center Street**

Christina Griffin, architect, represented the Applicant. The Application relates to a proposed two-story extension and deck addition, which will increase the footprint by approximately 462 square feet. The addition encompasses a kitchen and dining area.

The Chairman opened the public hearing that had been set at the December meeting. He confirmed with the Building Inspector that the issues raised at the December meeting had been resolved, including the comments regarding the structural design of the deck as per the letter from Grigg & Davis Engineers, P.C., dated December 21, 2002. There were no comments from the public, or from Mr. Mastromonaco, and the hearing was closed.

The Board determined that this application is a Type II Action under SEQRA. Upon motion duly made and seconded, the Board granted site development approval for the plans entitled: Renovations and Extensions to the Petro Residence last revised December 23, 2002, by Christina Griffin, AIA, nine (9) sheets.

IPB Matter #03-02:

**Application of Abbey Askari for Site
Development Plan Approval for property at
196 Riverview Road**

Mr. Richard Miller, Engineer, represented the Applicant, who is seeking to construct an in-ground pool and patio. Plans entitled, New In-Ground Shotcrete Swimming Pool, Askari Residence, Richard E. Miller, PE, December 20, 2002, seven (7) sheets, were submitted.

Mr. Miller described the project, noted a variance for coverage is required, and submitted a "Zoning and Code Analysis" prepared by MRES Engineers, dated January 6, 2003. The Board noted Mr. Mastromonaco's comments in a memorandum of January 8, 2003 and the Environmental Conservation Board's concerns with tree protection.

The Board deemed the application to be complete and set a public hearing for site development plan approval for the February 5th meeting.

IPB Matter #03-03:

**Application of Leslie & Laurence Goldfarb for
Waiver of Site Development Plan Approval for
property at 120 Sycamore Lane.**

Leslie Goldfarb appeared in support of this application, which proposes the construction of a deck at the rear of the house. Plans submitted were entitled Goldfarb Residence, Paul Shainberg Architects, December 17, 2002, four (4) sheets, and a letter from the Zoning Board of Appeals dated December 18, 2002 granting a variance to Sec. 224-11 (setbacks) and Sec. 224-13 (coverage).

Mrs. Goldfarb said no trees are to be removed, and provided photographs of the portion of the property being affected. Neither Mr. Mastromonaco nor Mr. Marron had any issues, and there were no comments from the public.

The Board determined that the application is a Type II Action under SEQRA. Upon motion duly made and seconded, the Board adopted the following resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said May, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

IPB Matter #03-04:

**Application of David Spuria for Waiver of Site
Development Plan Approval for property at
19 Connor Court.**

Steven Griggs, contractor, and David Spuria appeared on behalf of the application. The Applicant is proposing to remove an existing wood deck and install a smaller patio, stone steps, and a second patio with Jacuzzi to the rear of the residence, as well as a rock wall in the front yard.

Mr. Spuria said the original plans had been modified, and the Chairman noted internal inconsistencies in the application as to whether the Jacuzzi was to be in ground or above. Discussion centered on whether this would require compliance with the pool requirements contained in the zoning ordinance, including the need for fencing. Such determination would deal with the means of installation, the size and type of the proposed facility, and other elements that would necessitate more complete and consistent plans.

The Board indicated that the plans submitted did not comply with the requirements of the zoning ordinance, and the Applicant indicated modifications would be made to the plans. Additional detail regarding the topography and the modification proposed would also be submitted, along with coverage calculations.

The Chairman noted that this application might qualify for a waiver if it could be shown that the pool requirements of the zoning ordinance were not applicable, otherwise site development plan approval would be required. This matter was continued.

IPB Matter #03-01:

**Application of James Mitchell for Site
Development Plan Approval or Waiver of such
Requirement for property at 50 Kingsley Close**

Steven Griggs, contractor, and James Mitchell appeared on behalf of the application. The Applicant is proposing to add 300 square feet of wooden deck to an existing deck, and to install a Jacuzzi-like tub on the deck.

The Chairman noted that this spa poses the same issue as in IPB Matter #03-04 (above) – i.e., need for compliance with the zoning ordinance's requirements regarding pools. In addition, the application indicates that the proposal exceeds the 15% threshold established by the Board for waivers.

This matter was continued.

IPB Matter #02-11:

**Application of Geraldine McGowan-Hall for
Site Development Plan Approval for Property at
200 Mountain Road**

Wayne Timonen, architect, and Dr. Henry Hall appeared in support of the application. The Applicant is proposing to renovate and expand an existing house and is also proposing to install a drain in the existing driveway and close one of two driveway entrances.

The Building Inspector summarized the major outstanding issues that would require the application to be sent to the Zoning Board: the intrusion into the front yard setback requirement; excessive coverage; and a structure that contained in excess of 2 ½ stories. In addition, Mr. Mastromonaco, in his memorandum of January 8, noted the continuing need for a properly completed site plan that addresses concerns outlined in his

previous memoranda. It was reiterated that the applicant had developed a remediation plan that was supported by the Environmental Conservation Board.

Mr. Marron indicated that he will follow up with the County Health Department to regarding the adequacy of the septic field relative to the proposed development. The Chairman, with the advice of Village Counsel, indicated that the Applicant should seek the necessary variances from the Zoning Board of Appeals prior to any further action on the part of the Planning Board. The Board agreed to continued this matter on its February agenda.

IPB Matter #03-05:

Application of Sprint Spectrum L.P. for Site Development Plan and Special Use Permit on property at 1 Bridge Street

Mr. David Snyder, Esq., appeared for the Applicant, who is proposing to construct a wireless telecommunications facility consisting of six panel antennas on an existing smokestack, together with related equipment within the existing building. The Applicant submitted a document entitled Memorandum in Support of Special Use Permit and Site Plan Application by Sprint Spectrum L.P. d/b/a Sprint PCS to Locate a Wireless Telecommunications Services Facility on an Existing Smokestack, which included twelve (12) exhibits.

Mr. Snyder reviewed the proposed project. The Chairman noted that this was the first application being heard by the Planning Board under recent legislation enacted by the Board of Trustees. Mr. Sciarretta confirmed the application requires the issuance of a special permit by the Planning Board, as well as site development plan approval as the application involves an unenclosed structure.

Discussion centered on the need for such facility, technical matters regarding the proposed antennas and the application's compliance with the legislation, potential impacts, alternative to the facility etc. Mr. Snyder described why how the height of the proposed facility was determined, and indicated that Sprint would accept a 55-foot height limitation on the panels. He noted that the panels would be painted to match the smokestack.

Mr. Snyder indicated that the application contained an affidavit indicating Sprint's willingness to permit collocation by subsequent users. The Chairman inquired as to whether, in the event another company wishes to co-locate panels at the site, Sprint may need clarification of its lease rights from the owners of the property, Bridge Street Associates, in order to safeguard Sprint's placement of its panels.

Mr. Sciarretta said any such co-location would most likely be on the Bridge Street's smokestack, and not necessarily on the Sprint panels.

The Chairman asked that the Applicant provide "before and after" photographs of the smokestack from various directions to show clearly how it will appear with the panels

installed on it; this included photos from Scenic Hudson Park, the Hudson River, and from other locations that would result in the greatest visibility of the panels. Mr. Snyder agreed with the request and assured the Board that the panels will be very effectively camouflaged and will virtually “disappear”.

The Chairman and Mr. Marron asked that the application clearly state whether the smokestack poses any structural issues, prior to or subsequent to the installation of the panels. Mr. Snyder said the Applicant will comply with this request.

The Chairman said that any subsequent changes to the facility would necessitate further action by the IPB. He also pointed out that the special use permit is for a five-year period, and that Sprint’s agreement with the Village has a cost-of-abandonment provision.

Mr. Marron indicated that the wires connecting the panels and the building within which the equipment would be placed would run up the side of the building, across the roof and up the exterior of the smokestack. The Board inquired about the wires being run inside of the smokestack. A channel on the exterior of the smokestack is proposed, and the Board expressed its desire that the channel be located on the west side of the smoke stack to minimize visual intrusion from the Village. Also discussed were the installation of wires underground and the sizing of the facility to permit subsequent collocation by another company. Mr. Snyder indicated that the existence of the facility would not necessitate additional utility lines on Main Street or other Village roads leading to the property. Mr. Marron indicated the Village’s position with regard to the placement of all utility lines underground.

Mr. Hanafi Bradai, a radio frequency engineer representing Sprint, explained Sprint’s network coverage in the Irvington area and cited existing gaps in the coverage. The discussion was initiated by the Chairman in an effort to determine whether the location of the panels is as good as it might be. The Chairman asked that the Applicant investigate other sites in Irvington to determine whether there may be a better/alternative location. Sites mentioned included the Trent Building, Village Hall, the power plant next to the Village DPW facility, Scenic Hudson, and various Church properties. Mr. Snyder said he would discuss this issue with Mr. Marron.

The Chairman inquired as to whether the smokestack would be attractive to other service providers. The Applicant had no information on that matter. The Chairman also asked about interference with emergency communications used in the Village, and the Applicant assured there would be none.

Mr. Hoffman inquired about possible health and safety issues. Mr. Sciarretta noted that Federal Law precludes municipalities from using such issues in reviewing the location of the panels if the appropriate safety standards are met. Mr. Snyder stated that the project would be completely within accepted safety parameters and that Sprint used “worst-case” testing variables in reaching that conclusion.

The Chairman said the Board was considering the engagement of a consultant with appropriate experience to assist the Board in reviewing the application. Mr. Sciarretta and the Chairman said the application should be treated as an “unlisted action” under SEQRA. Discussion ensued on whether there were any other interested or involved agencies, and the process the Board would need to follow.

The Chairman stated that notification of any public hearing would be necessary for both site development plan approval and the special use permit. Such notification is to specifically include the Hudson River Keeper. The Board determined that the application, as presented by the applicant, was sufficiently completed to set a public hearing for February 5th, subject to receipt of the additional information requested.

It was noted that Mr. Mastromonaco’s concerns, as laid out in his memorandum of January 8th, were addressed in the discussion tonight with the exception of the need for a periodic inspection program, which will be another condition of approval. The Chairman said he would discuss with Mr. Sciarretta the hiring of a consultant to review the application and the establishment of an escrow account.

The Board, on motion duly made and seconded, agreed to designate itself Lead Agency for the SEQRA review. The Board also set the public hearing for its February 5th meeting.

IPB Matter #02-52:

**Application of Salvatore & Antonietta DeNardo
for Subdivision approval for property at
92 East Sunnyside Lane.**

There was no appearance on behalf of the Applicant. The Application was carried over to the February 5, 2003 meeting.

IPB Matter #94-03:

**Application of Westwood Development
Associates, Inc. for Final Subdivision Approval
and Limited Site Development Plan Approval
for property at Broadway, Riverview Road and
Mountain Road – Phase I (Tract A).**

There was no appearance on this matter; it is to be taken off the Agenda for February unless there is a submission with appropriate notification. The Chairman noted that he had signed the Subdivision Plat since the last meeting.

IPB Matter #02-44:

**Application of Westwood Development
Associates for Site Development Plan Approval
for property at Lot 4 of the Westwood
Subdivision.**

There was no appearance on this matter; it is to be taken off the Agenda for February unless there is a submission with appropriate notification.

IPB Matter #02-46:

**Application of Joseph DeNardo for Site
Development Plan Approval for property at
7 Roland Road.**

Since this was the second meeting at which there was no appearance on this matter, the application will be taken off the Agenda for February.

The Board then considered the following administrative matters:

- It approved the minutes of its regular meetings from September, October and December of 2002,
- It confirmed its next Regular Meeting will be on February 5, 2003.

The meeting was adjourned at 10:38 p.m.

Respectfully Submitted,

Walter Montgomery
Secretary